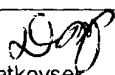


<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/890,307	GAN ET AL.	
	<b>Examiner</b> 	<b>Art Unit</b>	
	Daniel J Petkovsek	2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received August 25, 2003.
2. ☒ The allowed claim(s) is/are 1,3-15 and 17-21.
3. ☒ The drawings filed on July 27, 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

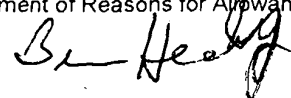
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                   |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>attached</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                           |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance          |
|  | 9 <input type="checkbox"/> Other   |



### **DETAILED ACTION**

This office action is in response to the amendment filed on August 25, 2003. In accordance with the amendment, claims 1, 3, 4, 6, 12, and 13 have been amended; claims 2 and 16 have been canceled; and new claims 17-21 have been added. The amendments to the specification and abstract have been acknowledged. Claims 1, 3-15, and 17-21 are pending.

This application is a 371 of PCT/AU99/00056, filed January 28, 1999.

### ***Allowable Subject Matter***

1. Claims 1, 3-15, and 17-21 are allowed. The following is an examiner's statement of reasons for allowance: the pertinent prior art does not teach or reasonably suggest an optical communications system (or method) for reducing the feedback effects from Rayleigh backscattering in an optical laser system having an optical fiber, in which portions of the optical fiber are subjected to low frequency mechanical oscillations to reduce these Rayleigh backscattering feedback effects. The closer prior art of record (Brennan '096) teaches a system with a piezo-element to cause vibrations to occur due to sensed Rayleigh backscattering, but these vibrations are formed to cause the backscattering, not to minimize it.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

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2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, with respect to the state of the art of changes in laser signals having some result of Rayleigh backscattering and sensed error: PTO-892 form references A-D.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (703) 305-6919. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9321.



Daniel Petkovsek  
October 28, 2003

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Streit on October 28, 2003. Mr. Streit agreed to change the word "vibration" to "oscillation" in line 1 of claim 6, in order to comply with amended independent claim 1.

Claim 6 has been amended as follows:

6. (Twice Amended) A method as claimed in claim 1 wherein said mechanical oscillation of said optical waveguide occurs substantially adjacent to the interconnection with the laser system.

Version with markings to show changes made:

6. (Twice Amended) A method as claimed in claim 1 wherein said mechanical [vibration] oscillation of said optical waveguide occurs substantially adjacent to the interconnection with the laser system.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (703) 305-6919. The examiner can normally be reached on M-F 8:30-5:00.

approved  
for  
entry  
Quo  
10/30/03

Application/Control Number: 09/890,307  
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Daniel Petkovsek  
October 28, 2003

